

REMARKS

The Office Action mailed September 11, 2007 has been reviewed and carefully considered. No new matter has been added.

By this amendment, Claims 1, 8, 17, 18, and 19 have been amended. Claims 1-20 are pending.

The Applicants respectfully acknowledge the Examiner's acknowledgement of the Information Disclosure Statement filed concurrently with the instant Application and the Applicants' claim for priority based on the specified Provisional Application.

Claim 17 stands rejected under 35 U.S.C. 101. The rejection is respectfully traversed. Claim 17 is expressly recited (Claim 17, Preamble) as being directed to an apparatus (for supporting multiple Telnet sessions). In an embodiment of the apparatus, the means for receiving, means for verifying, means for establishing, and means for communicating may be respectively represented by the following elements shown in FIG. 2: element 222 (web server); element 224 (diagnostic engine); element 224 (diagnostic engine; and element 222 (web server). In fact, the original application as filed included these reference numerals in Claim 17, with such numerals being subsequently removed by a preliminary amendment. Clearly, these elements may be implemented by hardware. Moreover, as explicitly disclosed at page 5, lines 12-14 of the Applicants' Specification, "it is contemplated that some of the process steps discussed herein as software processes may be implemented within hardware, for example, as circuitry that cooperates with the processor 210 to perform various steps." Further, as explicitly disclosed at page 5 lines 22-24 of the Applicants' Specification, "the process steps described herein are intended to be broadly interpreted as being equivalently performed by software, hardware, or a combination thereof" (see also, Applicants' Specification, p. 24-28).

35 U.S.C. 101 states "Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title." Moreover, as per MPEP 2106, it is to be noted that "a claimed invention may be a combination of devices that appear to be directed to a machine and one or more steps of the functions performed by the machine. Such instances of mixed attributes, although potentially confusing as to which category of patentable subject matter the claim belongs, does not affect the analysis to be performed by USPTO personnel. Note that an apparatus claim with process steps is not classified as a "hybrid" claim; instead, it is simply an apparatus claim including functional

limitations. See, e.g., *R.A.C.C. Indus. v. Stun-Tech, Inc.*, 178 F.3d 1309 (Fed. Cir. 1998) (unpublished).”

Accordingly, based upon at least the above argument, as supported by the language of Claim 17, the Applicants’ Specification, and relevant law, it is respectfully asserted that Claim 17 is directed to statutory subject matter. Reconsideration of the rejection is respectfully requested.

Claims 1, 3, 8, 14, and 15 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,999,990 to Sullivan et al. (hereinafter “Sullivan”). Claims 2 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan in view of U.S. Patent No. 6,542,934 to Bader et al. (hereinafter “Bader”). Claims 4, 5, 10, and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan in view of U.S. Patent Publication No. 2002/0049825 to Jewett et al. (hereinafter “Jewett”). Claim 12 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan in view of Jewett further in view of U.S. Patent Publication No. 2002/ 0112076 to Rueda et al. (hereinafter “Rueda”). Claims 6, 13, and 16-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan in view of Rueda. Claims 7 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan in view of Rueda further in view of Jewett.

The independent claims in the instant application are Claims 1, 8, 17, 18, and 19.

As noted above, Claims 1, 8, 17, 18, and 19 have been amended. Support for the amendments may be found at least at page 4, lines 28-31, page 7, lines 17-19, page 8, lines 19-24, and Figure 4 of the Applicants’ Specification.

It is respectfully asserted that Sullivan does not teach or suggest the step of/means for “communicating diagnostic information corresponding to a particular one of the diagnostic session requests received from a particular one of said verified requesters to all of said verified requesters via said established communications channels”, as now recited in each of amended Claims 1, 8, 17, 18, and 19.

It is to be noted that only Sullivan was cited against the pre-amended version of the above recited limitations of Claims 1, 8, 17, 18, and 19. In particular, the following portions of Sullivan were cited there against: “(Channel 14 in fig. 1) [see fig. 4 steps 996, 98, 100 of Sullivan, and col. 8, lines 60-65, and col. 10, lines 1-9](the user selects the link, upon active the link, navigate the browser to a so-called ‘active page’, a page is activated, the activated page provides the user an option to further diagnose the problem).”

In contrast to the preceding limitations of Claims 1, 8, 17, 18, and 19, Sullivan discloses that each user respectively receives user specific information. That is, for a particular user suffering a problem related to, for example, MICROSOFT WORD, only that particular user is provided with information directly related to the particular user's problem. For example, as disclosed at column 8, lines 39-45 of Sullivan "an HTTP request is then made to the automated technical support server. Based on the contact information (as well as other basic parameters such as OS type, values entered by the user in problem submission fields, and the like) passed, the routine then continues at step 86 to serve a self-help home page to the user's default browser." Moreover, while the Examiner has mentioned "active content" as disclosed by Sullivan in the Examiner's rejection, as disclosed at column 9, lines 6-9 of Sullivan "[t]he active content functionality of the invention enables the user to determine if a particular technical problem described by an external page applies to the user's actual system". Further, with respect to the "representative results template page shown in figure 8 of Sullivan, Sullivan discloses at column 9, lines 62-66 thereof that "[i]n this example, the [representative results template] page identifies a Support Note that **describes the user's problem** (namely the inability to start Microsoft Word) and the associated error message that prompted the user to initiate the session in the first place".

As is evident, any information provided to a particular user is limited to being provided only to that user, and not all verified requesters as recited in Claims 1, 8, 17, 18, and 19. For example, with respect to the above reproduced disclosure from column 9, lines 6-9 of Sullivan, there would be NO NEED TO DETERMINE IF AN EXTERNAL PAGE APPLIES TO THE USER'S ACTUAL SYSTEM if the external page was intended to be sent to all users.

Hence, Sullivan clearly does not teach or suggest the above recited limitations of Claims 1, 8, 17, 18, and 19 and, by at least the above mentioned **determination** (of, e.g., whether an external page even applies to a user's problem), actually teaches away from the limitations of these Claims.

Moreover, the Applicants respectfully assert that the other cited references do not cure the deficiencies, and are silent with respect to the above recited limitations of Claims 1, 8, 17, 18, and 19.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131, citing

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art” (MPEP §2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)).

Accordingly, independent Claims 1, 8, 17, 18, and 19 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above.

“If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious” (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

Claims 2-7 depend from Claim 1 or a claim which itself is dependent from Claim 1 and, thus, includes all the elements of Claim 1. Claims 9-16 depend from Claim 8 or a claim which itself is dependent from Claim 8 and, thus, includes all the elements of Claim 8. Claim 20 depends from Claim 19 and, thus, includes all the elements of Claim 19. Accordingly, Claims 2-7, 9-16, and 20 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claims 1, 8, and 19, respectively.

Thus, reconsideration of the rejection is respectfully requested.

In view of the foregoing, Applicants respectfully request that the rejection of the claims set forth in the Office Action of September 11, 2007 be withdrawn, that pending claims 1-20 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

No fee is believed due with regard to the filing of this amendment. However, if a fee is due, please charge Deposit Account No. 07-0832.

Respectfully submitted,

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